



TOWN OF TEWKSBURY BOARD OF HEALTH

Raymond Barry, Chairman
Robert Scarano, Vice Chair
Maria Zaroulis, Clerk
Charles Roux, Member
Anthony Boschetti, Member

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES January 20, 2022

The meeting was called to order by Raymond Barry, Chairman, at 6:01 p.m. Present at the meeting were Robert Scarano, Vice-Chair and Charles Roux, member. Also in attendance was Shannon Gillis, Director of Public Health, Ashley Pavlakos, Public Health Nurse and Vincent Goo, Health Agent. Members Maria Zaroulis, Clerk and Anthony Boschetti, attended remotely via Webex.

Approval of Meeting Minutes

- August 19, 2021 meeting minutes presented for approval

MOTION: Ms. Zaroulis made the motion to approve the August 19, 2021 meeting minutes as submitted; seconded by Mr. Scarano and the motion unanimously carried 5-0 by roll call vote.

- October 21, 2021 meeting minutes presented for approval

MOTION: Ms. Zaroulis made the motion to approve the October 21, 2021 meeting minutes as submitted; seconded by Mr. Scarano and the motion unanimously carried 5-0 by roll call vote.

- January 7, 2022 emergency meeting minutes presented for approval

MOTION: Ms. Zaroulis made the motion to approve the January 7, 2022 emergency meeting minutes as submitted; seconded by Mr. Scarano and the motion unanimously carried 4-0 by roll call vote with Mr. Scarano abstaining

New Business:

- **Shannon Gillis** – Appointment as Special Health Agent
- **Ashley Pavlakos** – Public Health Nurse introduction and appointment as a Special Health Agent
- **Vincent Goo** – Special Health Agent introduction and appointment as a Special Health Agent
Vincent Goo is the new Health Inspector through the grant with Billerica, Tewksbury, Tyngsborough and Chelmsford. He will be spending his time between Tewksbury and Tyngsborough.

MOTION: Ms. Zaroulis made the motion to approve the appointment of Shannon Gillis, Ashley Pavlakos and Vincent Goo as special health agents; seconded by Mr. Scarano and the motion unanimously carried 5-0 by roll call vote.

Ashley Pavlakos and Vincent Goo approached the table. Ms. Pavlakos introduced herself. She is currently splitting her time with Tewksbury and Tyngsborough working Monday's in

Tyngsborough and Tuesday through Friday in Tewksbury, 8:00am-4:30pm. She is located in the lower level of Town Hall and the office is labeled Public Health Nurse. Vincent Goo introduced himself. Vincent Goo is the new Health Inspector through the grant with Billerica, Tewksbury, Tyngsborough and Chelmsford. will also be splitting his time between Tewksbury and Tyngsborough. Ms. Gillis met with the other members of the grant to discuss holding Servsafe classes. Mr. Goo will be part of that in the future. The Board welcomed them both.

- **Annual Re-appointment of Health Agents:**
Shannon Gillis, Director of Public Health
Michele Grant, Sanitarian

- **Annual Re-appointment of Special Health Agents:**
Ron Beauregard, Tobacco Control
Denise Graffeo, Town Clerk; Burial Permits
Pamela Thomas, Tewksbury Animal Inspector/Agent
Christine Gualtieri, Tewksbury Animal Inspector
Ashley Chmiel, Tewksbury Animal Inspector
Casey Smith, Tewksbury Animal Inspector
Maria Ruggerio, Special Agent

MOTION: Ms. Zaroulis made the motion to re-appoint Michele Grant, Ron Beauregard, Denise Graffeo, Pamela Thomas, Christine Gualtieri, Ashley Chmiel, Casey Smith and Maria Ruggerio as special health agents; seconded by Mr. Scarano and the motion unanimously carried 5-0 by roll call vote.

- **Local Food Code Regulation**
- **Frozen Dessert Regulation**

Mr. Barry stated that the department is enforcing the State's regulation and including the State's regulation as a local regulation to add local tweaks to the State's regulations. Ms. Gillis pointed out that section 5.4 of permit renewals needs a clause added that states if the permit is not renewed by the December 1st deadline, the fee is doubled. The local regulation also needs to include that even seasonal establishments need to renew by the December 1st date. Mr. Barry stated that the December 31st expiration date is in the Federal Food Code. Ms. Gillis stated that all food permits expire on December 31st however, per the Food Code, all permits must be renewed thirty days prior (December 1st). Mr. Barry stated that an April 1st date will be when the regulation is implemented. Once the draft is finalized it will be presented for a vote to approve it at the February BOH meeting. Mr. Barry stated that a draft of the frozen dessert regulation was given to Ms. Gillis and Mr. Scarano for review. Mr. Barry stated that the soft serve machines are tested for bacterial levels on a monthly basis, assuming that the machine is in use for continuous periods of time. When a new machine comes in or a seasonal operation restarts business after being closed, what type of bacteria testing should be in the regulation? Mr. Scarano talked with a consultant to get some direction from manufacturers of the machines as to sanitization, cleaning and maintenance to incorporate it into the local regulation as related to seasonal establishments. Mr. Scarano stated that it is important for the seasonal operators to bring on a qualified testing lab early enough so that the testing can be done in order to have it completed before serving the public. This will be useful for seasonal openings as well as hard openings. Frozen Dessert permits are renewed on March 1st of every year. Mr. Scarano will put together the draft regulation. He stated that it should also be included that if the lab comes back with unsatisfactory results, that there should be some self-policing mechanism and suspension of operations until the machine comes back with a satisfactory lab result. The Department should be notified immediately of an unsatisfactory result or when a machine comes off-line for seasonal purposes or any other

purposes. A discussion ensued regarding routine cleaning and inspections of the machine. Mr. Scarano stated that it is important that the operator of the machine is trained to bring the machine to a point where it is safe for the public. Dr. Boschetti agreed and stated that in order to be in business and say they know the business then they should know what their responsibility is to protect the public. They must self-monitor their equipment. Mr. Scarano stated that the Servsafe certifications is where you learn a great deal about bacteria and how it is the enemy of food service. The training reinforces what can happen in a very short period of time. Mr. Barry stated that with Vincent Goo on board being able to do inspections, he will see what is being done correctly and what is not but also, he will be able to help with the Servsafe training as well. Mr. Roux asked about the testing. Ms. Gillis stated that the testing is sent to the Health Department monthly. They are reviewed by the Department and followed up with the establishments if there are problems. The discussion continued.

Old Business:

➤ Oliveira Farm update

Ms. Gillis stated that a letter sent out to Mr. Oliveira last week since there are animals still on the property. They are to be removed by next week. Ms. Gillis spoke with the ACO's who went out to the property with the State inspector. There is still one horse, one pony, two goats, five chickens and one rooster. Eileen Oliveira is back on the property and taking care of the animals that seem to be in good health however, there is no permit to keep the animals. The ACO's will be going back on January 26th to make sure that the remaining animals have been removed and if not, they will be back fined from the date of September 21st, the date the original order letter went out. Mr. Barry stated that Ms. Gillis has been in touch with town council who has not heard from the Oliveira's lawyer. Ms. Gillis stated that the horse, pony and goats are pets but the chickens and rooster were not corralled the day the other animals were removed. Mr. Scarano asked if there was anything that prevented them from getting a permit for the keeping of fowl pending their removal. The rooster is not allowed however the chickens would be allowed with a permit even though there isn't a keeping of animals permit at this moment. Mr. Scarano stated that Town Council could mention that there is a process that will bring them in compliance since the Oliveira's had previously asked the question during the revocation process. Even though our order stands, they have not taken the route to compliance. Mr. Scarano stated that they have been in non-compliance for four months. Dr. Boschetti stated that he has concerns since they stated previously that they knew what they had to do and it was his understanding that they have been aware of this and they have been given the benefit of the doubt much longer than he would have preferred to. Mr. Scarano agreed that they have been given every opportunity to come into compliance with their slaughter, keeping of animals but at this point what we have is an uncontrolled situation with the chickens that we know we can control. It would be in the best interest of the Town, neighbors and the Board to have oversight resources with Pam doing a pre-inspection and bring the chickens into compliance for everyone's safety. The rooster would need to be removed but incumbent for the board to make sure they are healthy. Ms. Gillis stated that the chickens would fall under a registration not the keeping of animals permit however it is the property owner that needs to apply and since he has health issues, it would fall under the power of attorney to take responsibility to apply for these permits and registrations. Ms. Gillis stated that in speaking with the power of attorney, she has no interest in having animals on the property. The horses, pony and goats are pets of the daughter of the property owner. Mr. Roux stated that there are the slaughter animals and the pets. The daughter Eileen is now back on the property to take care of the animals and his understanding is that they are in good health. If there is a way for Eileen to keep her pets, it should be offered to her. Mr. Barry stated that having the animals removed now does not preclude them from coming back for a permit for the keeping of animals.

The Board's concern is two-fold, one the chickens are most likely slaughter chickens and two they are also non-compliance with the BOH regulation. The easiest way to take care of that was to follow the original order to remove all the animals. They need to meet the letter of the order then once that has been done, they could apply for a registration or permit. They need to rectify the situation first. Mr. Scarano stated that the order is to remove and doesn't give a second option of compliance. Mr. Scarano asked if we should talk to Town Council to modify the correspondence and adding any reasonable solutions pending the removal of the animals? The Board's goal to make sure if there are animals there that they are kept properly. A discussion ensued. Dr. Boschetti stated that the Board has always tried to make rulings that are rational and reasonable but, in his opinion, the Board has wasted so much time on this particular issue. Dr. Boschetti stated that he agrees with Mr. Scarano and that they need to be aware of their options but also believes that the good will as an elected board has been taxes beyond what he considers reasonable. He stated that he doesn't believe this is the Board's issue and that this is a family matter. Mr. Barry stated that anyone can apply for a permit or registration however, the applicant needs to be the property owner and, in this case, the person claiming ownership of the animals is not the property owner. The property owner is medically incapacitated, and his sister is his power of attorney. Mr. Barry stated that no word has been heard from the power of attorney as communication has been through Town council and their attorney. Dr. Boschetti stated that he feels like the process has been delaying. He stated that the Board needs to do what's in the best interest of public safety, the community and the animals and the lack of response is abusing the Board's good will. Mr. Scarano stated that he feels like the process has evolved and has not been stagnant. He gave examples and a discussion ensued. Mr. Barry stated that they are aware that the property has to apply for the permit. The property owner has a power of attorney and she has expressed through her lawyer that she has no interest in having animals at the property. Mr. Roux stated that he is happy to hear that the pets are back in good health. Without the agreement between Eileen and the power of attorney, the animals can't stay. Mr. Scarano stated that the Board has a decision to make but at least they are fully informed on what decision the Board should make. Mr. Roux stated that their lawyer has been hired to deal with the animals in regard to the farm and not the animals that are pets. Mr. Scarano stated that any action the Board takes is not against Eileen but the owner. Mr. Scarano stated that the animals are being cared for and the situation is now stable. Town council should reach out to come to some final resolution so the Board can make an informed decision without putting the Town or the Board at risk for making that decision. Ms. Gillis stated that the original letter that went out to have the permit revoked, the attorneys communicated and were well aware on what the intentions were to have the permit revoked so at that time, the power of attorney agreed to have it revoked and had no intent of having animals. She is well aware of the process if she wants to apply for a permit. It has been four months without a permit application or the removal of the animals from the property. This triggered the most recent letter that was sent since this has gone on for way too long. Unless a penalty is assessed the animals will not be removed and this is the next step in order to have them removed. Mr. Scarano stated that although he agrees, there has been a complete change of circumstances. A discussion ensued regarding permitting, fines and enforcement. Mr. Scarano stated that they need to give them their due process before the Board acts.

MOTION: Mr. Scarano made the motion to table the discussion this evening; refer the matter to Town Council so he can invest relationships between the power of attorney and person who owns the animals; determine what course of action they are going to take and report back to the Board so the Board can make the proper findings of facts and make a decision on whether or not to go forward with enforcement; seconded by Mr. Roux and the motion unanimously carried 5-0.

Dr. Boschetti stated he would like a time frame placed on the motion to when the Board will hear back. Mr. Barry suggested the deadline be Tuesday, January 25, 2022 that was in the letter.

MOTION: Mr. Scarano made the motion to amend the motion to add that a response from the power of attorney should occur to Town Council by January 25th which would give them time to have the discussion; seconded by Dr. Boschetti and the motion unanimously carried 5-0 by roll call vote.

Director Reports:

➤ **Covid numbers update**

Ms. Gillis updated the Board on the State numbers. Numbers are trending downward in the right direction. The emergency meeting scheduled for January 21st will be cancelled at this time due to the numbers going down for the second week in a row. Mr. Roux updated the NWRA numbers for the Covid samplings. The rates are dropping. Dr. Boschetti wanted it on record that none of the Board members were involved in the sampling where the virus levels are reducing.

➤ **Contact Tracing update**

With the Covid numbers going down, there is still active contact tracing. The schools are now opting in to the new DESE protocol that came out. The schools will be sending home all staff and students two home tests every week. If they are symptomatic, they can test at home before they come to school. With this and pooled testing, it will stop most of the contact tracing within the schools so school nurses can get back to their regular duties.

➤ **Food Consultant – food inspections update**

All inspections have been completed. The Department is waiting on a few more inspection reports to be submitted. The Department will now be going back out to food establishments to do inspections. The addition of Vincent through the grant will increase the number of inspections done each year. He is training right now and once he is fully trained, he will be out in the field.

Board Reports:

- Mr. Barry stated that he emailed the Board members printouts of the remote participation policy. The Town has a remote participation policy that went into effect in 2012. The policy states that in order for any Town Board to meet publicly, a quorum needs to be present. Since the BOH has five members, there needs to be three members attending in person. Any Board member that is not able to attend in person and needs to attend remotely needs to fill out the remote participation form in order to be in compliance with State law. The form will be filled out and submitted to Mr. Barry who will sign the form. All monthly Board meetings are in person and emergency meetings can be held via Webex. Please let Mr. Barry know if you will be absent or if you do need to participate remotely, you will need to fill out the participation form. This policy is in the Open Meeting Law.

Announcements:

Adjourn:

MOTION: Mr. Roux made the motion to adjourn; seconded by Mr. Scarano and the motion unanimously carried 3-0 by roll call vote. Meeting adjourned at 7:47 pm.

Approved on: 2/17/22

**List of documents for January 20, 2022
Documents are located at the Tewksbury Health Department**

Approval of Minutes:

August 19, 2021 meeting minutes

October 21, 2021 meeting minutes

January 7, 2022 emergency meeting minutes

Public Hearing:

New Business:

Draft Minimum Sanitation Standards for Manufacturers of Frozen Desserts

Draft Minimum Sanitation Standards for Food Establishments

Old Business:

Director Reports:

Board Reports:

Announcements:

Old Business: